

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

NO. 10-cr-20123

v.

HON. VICTORIA A. ROBERTS

D-2 DAVID BRIAN STONE, JR.,

Defendant.

\_\_\_\_\_ /

**DISCOVERY NOTICE**

1. The attorney for the government knows that the defendant made
  - a. relevant written or recorded statements, (including grand jury testimony), as follows:

The government is aware of numerous recorded statements (audio and/or video) of the defendant(s) in this case which were consensually recorded. The government is also aware of written email communications by the defendant(s).

and/or

- b. relevant oral statements made in response to interrogation, whether before or after arrest, by a person then known to the defendant to be a government agent, whether or not the statement is included in a written record, as follows:

Date	Agent/Agency	Type (written, recorded, grand jury, oral, Not Applicable ____)
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3/27/10	FBI	Oral Statement
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2. The attorney for the government knows that defendant has a prior criminal record:

NO   X   YES       

3. The following books, papers, documents, photographs and tangible objects are within the possession, custody or control of the government and are intended to be used as evidence in chief at trial, are known to the government to be material to the preparation of the defense, or were obtained from or belong to the defendant:

The government is aware of various books, documents, photographs and other tangible objects including, but not limited to, videos, photographs, diagrams, computer printouts, firearms, ammunition, uniforms, explosive components, and other materials seized from the defendant pursuant to the below listed search warrants.

4. Results or reports of the following physical or mental examinations, or scientific tests or experiments, are within the possession, custody or control of the government, and are either intended to be used as evidence in chief at trial or are known to the government to be material to the preparation of the defense:

None at this time; however, it is anticipated that laboratory analysis of various materials seized from the defendants during the execution of the search warrants described below will yield results or reports that will be either intended to be used as evidence in chief at trial or will be known to the government to be material to the preparation of the defense.

5. The government intends to introduce at trial testimony from one or more experts in the following areas of expertise:

The government expects to introduce trial testimony from experts in the fields of firearms, explosives, and domestic terrorism.

6. The government may introduce evidence obtained from execution of the following search warrants:

Date(s)	Docket Number(s)	Not Applicable ____
3/23/2010	10-mc-50358 (A, E-G)	
3/26/2010	10-mc-50358 (H-J)	
3/27/2010	10-mc-50358 (K)	
3/29/2010	10-mc-50358 (L)	
3/31/2010	10-mc-50358 (M)	
4/08/2010	10-mc-50358 (N)	

7. The government may introduce evidence obtained through wiretaps or other electronic surveillance:

Type: (wiretap, bug, etc.)	Docket Number(s)	Not Applicable <u>X</u>
Pen Register	10US60038	
Pen Register	09US60016	

8. The government intends to offer evidence under Rule 404(b), Fed. R. Evid.  
Yes \_\_\_\_ No \_\_\_\_ Unsure X
9. The attorney for the government is aware of the obligations imposed by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny and will comply with their obligation to provide defense counsel with exculpatory evidence that is material to either guilt or to punishment in time for effective use at trial.

If the government discovers additional information of the type described in Paragraphs One through Eight, it will advise defense counsel in writing.

Upon specific request of the defendant the government will make available for inspection or copying the items described in Paragraphs One, Three, and Four; will furnish the record referred to in Paragraph Two; will provide a summary (which will include the witnesses' qualifications, opinions, and the bases and reasons for the opinions) of the anticipated testimony described in Paragraph Five and will provide notice of the general nature of the evidence referred to in Paragraph Eight. The government's compliance with any specific request will trigger the defendant's duty to provide the reciprocal discovery denoted in Fed. R. Crim. P. 16(b)(1)(A)-(C). If the defendant makes a general request for discovery the government will construe it as a request for each item described in Fed. R. Crim. P. 16(a)(1)(A)-(E). The government's compliance with the defendant's general request will trigger the defendant's duty to provide reciprocal discovery of each item specified in Fed. R. Crim.P. 16(b)(1)(A)-(C).

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Dated: April 15, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that on April 15, 2010, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Richard Helfrick, Esq.

I further certify that I have mailed by United States Postal Service the document to the following non-ECF participants: None

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